

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS  
ANTITRUST LITIGATION

Case No. 12-md-02311  
Honorable Marianne O. Battani

In re: SPARK PLUGS  
DIRECT PURCHASER ACTIONS

2:15-cv-03001-MOB-MKM

THIS RELATES TO:

WAL, INC. d/b/a TRI-STATE AUTOMOTIVE  
WAREHOUSE and KMB/CT, INC. d/b/a KMB  
WAREHOUSE DISTRIBUTORS, INC.,

Plaintiffs,

2:15-cv-11774-MOB-MKM

VS.

NGK Spark Plug Co., Ltd., et al.,

Defendants.

STIPULATION AND ORDER REGARDING ACCEPTING  
SERVICE OF COMPLAINT

WAL, Inc. d/b/a Tri-State Automotive Warehouse and KMB/CT, Inc. d/b/a KMB Warehouse Distributors, Inc. (“Plaintiffs”) have filed the above-captioned action (“Action”) against DENSO Corporation, DENSO International America, Inc., DENSO Products and Services Americas, Inc. f/k/a DENSO Sales California, Inc., NGK Spark Plug Co., Ltd., NGK Spark Plugs (U.S.A.), Inc., Robert Bosch GmbH, and Robert Bosch LLC (collectively, “Stipulating Defendants”) alleging violations of Section 1 of the Sherman Act in connection with the sale of Spark Plugs. So as to preserve both party and judicial resources, Plaintiffs and

Stipulating Defendants, by and through their undersigned counsel, stipulate to the following with respect to the Action:

1. Counsel for Stipulating Defendants agree to accept service of the complaint, filed on May 18, 2015, on behalf of the Stipulating Defendants, in satisfaction of the requirements of Fed. R. Civ. P. 4.

2. Unless otherwise modified by a case management order entered in this Action, Stipulating Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move, or otherwise respond within 60 days after either: (a) service on Stipulating Defendants of complete and unredacted copies of a consolidated amended complaint (“CAC”) in MDL 2311 in English and Japanese asserting claims based on sales of Spark Plugs; or (b) service on Stipulating Defendants of complete and unredacted copies of the current complaint in this Action in English and Japanese together with written notice by Plaintiffs that they will not be filing a CAC in this Action.

3. Notwithstanding paragraph 2 above, if Stipulating Defendants file an answer, move or otherwise respond pursuant to Fed. R. Civ. P. 12 in any related actions asserting claims based on sales of Spark Plugs before the date required by this stipulation, Stipulating Defendants will concurrently file their answer, move or otherwise respond as permitted by Rule 12 in this matter.

4. Plaintiffs and Stipulating Defendants stipulate and agree that the entry into this stipulation by Stipulating Defendants shall not constitute a waiver of (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure or (c) any other statutory or common law defenses that may be available to Stipulating Defendants in this or any

other related actions. Stipulating Defendants expressly reserve their right to raise any such defenses (or any other defense) in response to (a) the current complaint or any amended and/or consolidated complaint that may be filed on behalf of any of Plaintiff or any other Direct Purchaser, and/or (b) any complaint that may be filed in any related action.

5. Plaintiffs further agree that the terms of this stipulation are available, without further stipulation with counsel for Plaintiffs, to all defendants who notify Plaintiffs' counsel in writing of their intention to join this Stipulation.

**IT IS SO STIPULATED.**

Dated: July 31, 2015

/s/ William E. Hoese

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Dated: July 31, 2015

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Dated: July 31, 2015

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Dated: July 31, 2015

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***Counsel for NGK Spark Plug Co., Ltd., NGK Spark Plugs (U.S.A.), Inc.***

**IT IS SO ORDERED.**

Date: August 27, 2015

s/Marianne O. Battani  
MARIANNE O. BATTANI  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on August 27, 2015.

s/ Kay Doaks  
Case Manager